

Remarks

Claims 1-26 are currently pending in the application. Claims 1, 5, 11, 17, 18, 22, 25 & 26 are amended.

The subheadings below conform with those in the Office Action.

Reexamination and reconsideration are respectfully requested.

Drawings

Applicant was "required to furnish a drawing" . . . that depicts "the various species of claim 15." Claim 15 has been amended. It calls for "the load bearing means [to comprise] a medium selected from the group consisting of a bonded fibre structure, a foam, a sintered polymeric structure, foam beads or a three-dimensional structure"

The recitals of claim 15 that follow the transitional term "comprises" call for various species of a single genus: "the load bearing means." In the figures, the "load bearing means" is uniquely and clearly identified by the reference numeral 5 (Fig. 1), 4 (Fig. 2) & 7 (Fig. 3) and is described in the patent application at paragraph [0047] of the published application.

To require applicant to provide further depictions of each species imposes a burden that is not required under 37 C.F.R. § 1.81(c). For these reasons, the Examiner is respectfully asked to reconsider withdrawal of this requirement because the Figures of the drawings on file clearly fulfill the requirement that they convey "an understanding of the subject matter."

Claim Rejections - 35 U.S.C. § 101

Claims 22-26 were rejected under 35 U.S.C. § 101. (Office Action, ¶ 3) The Examiner's point is well-taken. Claim 22 has been amended accordingly. As amended, claim

22 now satisfies the requirements of 35 U.S.C. § 101. Claims 23-24 rise or fall with claim 22. Claim 25 has been amended so that, like claim 22, it now satisfies 35 U.S.C. § 101. Claim 26 incorporates claim 25 and rises or falls therewith.

In paragraph 4 of the Office Action, the Examiner objects that a mat without a container lacks utility. Applicants disagree since it is possible to use the fluidising mat in situations other than in a container. Moreover, Applicants presently sell just the container liner, and not combinations of containers and liners. This is *prima facie* evidence of the "utility" and commercial importance of liners in their own right.

For these reasons, the rejection of claims 22-26 has been overcome.

Claim Rejections - 35 U.S.C. § 112

In paragraph 6 of the Office Action, claims 1-26 were rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite.

In claim 1, Applicants believe that the term "spaced apart" is clear – the upper and lower sheets have a gap between them. They are separated by the load bearing means.

Since the load bearing means are discontinuous in the horizontal plane, the space between them, i.e. the passageways, extend in different directions between the load bearing means. As the passageways form a single plenum chamber between the upper and lower sheets, the passageways can be said to "intersect" one another.

With regard to claim 11, the fluidising mat has a very similar construction to "bubble wrap" packaging material. In other words, each "support means" can take the form of a sealed cylindrical column containing a quantity, i.e. a "bubble", of air. For clarity, claim 11 has been amended to "... wherein at least some of the load bearing means comprise an encapsulated gas bubble ..."

In paragraph 7 of the Office Action, claims 1-24 were rejected under 35 U.S.C. § 112, ¶ 2 as being incomplete. The Examiner is of the view that the omitted element is a "container."

The liner is defined as "comprising" (an inclusive list), not "consisting of" (an exclusive list) the elements recited in claim 1. Whilst in practice, the edges of the mat would probably be (and indeed are) sealed in some way, this is not necessarily be so. Specifically, provided the air flows into the plenum faster than, or at the same rate it escapes either through the holes in the upper slot or from the edges to maintain a neutral or positive pressure in the plenum the mat will work. A boundary is not, therefore, essential for the invention to function.

The container is not essential for the reasons set forth above. The mat could, in theory, be used in its own right and placed on a floor to fluidise a pile of powder piled on top of it. There is no need for a container to be present for the invention to work.

Claim Rejections - 35 U.S.C. § 102/103

In paragraphs 8-10 of the Office Action, the Examiner rejects claims 1-26 under 35 U.S.C. § 102(b) as being anticipated by, or . . . under 35 U.S.C. § 103(a) as being obvious over Jones (WO93/04954).

The Examiner asserts that Jones either explicitly discloses, or strongly suggests, all the recited limitations in the claims.

Claim 1 calls for the load bearing means that define "a plurality of passageways that "intersect" and "extend in different directions." However, Jones comprises a series of longitudinal channels spanning the width of the container. Therefore, Jones lacks the "extending in different directions" feature recited in claim 1.

Jones also teaches away because claim 1 covers a mat that enables air to flow around point obstructions in the fluidising mat. In other words, the present fluidising mat permits transverse and longitudinal cross flow of air within the plenum at all points on the mat. This is not the case with the container liner of Jones. Specifically, if Jones were compressed to such an extent as to close a width wise channel, the channel downstream of the obstruction is no longer inflated. However, in the present case, a point obstruction is not a problem as air can flow around the obstruction and reinflate the mat "downstream" thereof. This feature enables the mat to be creased, folded and bent without loss of inflation.

Further, Jones' upper sheet is inflexible (see, in particular, page 6, line 29, "upper planar non-flexible sheet").

For clarity, claim 1 is also amended as follows:

"A fluidising mat comprising an upper, gas-permeable sheet and a lower gas impermeable sheet, the upper and lower sheets being maintained in spaced apart superimposed relationship by a plurality of spaced-apart load bearing means which define a plurality of passageways that extend in different directions over substantially the full area of the fluidising mat and intersect with each other to form a single continuous chamber between the upper and lower sheets, at least the upper sheet being flexible."

The fact that Jones discloses making the upper sheet non-flexible clearly contraindicates the use of a flexible upper sheet. A flexible upper sheet, as defined by revised claim 1, runs contrary to conventional wisdom in the art and indeed against the express teaching of Jones, and is therefore non-obvious.

One of the advantages of the invention is that, being manufactured from a flexible sheet material (cf. bubble wrap), it is possible to roll and fold the fluidising mat for storage and

transportation. This has the additional benefit of enabling the sheet to be folded/bent to fit any container shape/contour. That cannot happen if the sheet is rigid and therefore non-conforming.

For these reasons, it cannot be said that the Jones reference either anticipates or renders obvious the invention as claimed.

Conclusion


All formal and substantive requirements of patentability appear to have been met.

If a telephone interview might expedite matters, the Examiner is invited to contact the undersigned so that the privilege of an interview can be exercised before a final Office Action.

Please charge any fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

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